



General Assembly

Amendment

January Session, 2009

LCO No. 9089

SB0109109089SD0

Offered by:
SEN. MCDONALD, 27th Dist.

To: Subst. Senate Bill No. 1091

File No. 698

Cal. No. 498

***"AN ACT CONCERNING COMPLAINTS PENDING IN THE
DEPARTMENT OF PUBLIC HEALTH AGAINST PHYSICIANS AND
OTHER HEALTH CARE PROVIDERS."***

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- 1 Strike lines 80 to 106, inclusive, in their entirety
- 2 In line 107, strike the brackets and strike "(12)"
- 3 After line 109, insert the following:
- 4 (12) With respect to any complaint filed with the department on or
- 5 after October 1, 2009, alleging incompetence, negligence, fraud or
- 6 deceit by a person subject to regulation or licensing by any board or
- 7 commission described in subdivisions (1) to (5), inclusive, (7), (8), (12)
- 8 to (14), inclusive, or (16) of subsection (b) of this section:
- 9 (A) Upon request of the person who filed the complaint, provide
- 10 such person with information on the status of the complaint;
- 11 (B) Upon request of the person who filed the complaint, provide
- 12 such person with an opportunity to review, at the office of the

13 department, records compiled pursuant to any investigation of the
14 complaint, as of the date of the request, including, but not limited to,
15 the respondent's written response to the complaint, provided such
16 person shall not be entitled to copy such records, except that the
17 department (i) shall not disclose (I) information concerning a health
18 care professional's referral to, participation in or completion of an
19 assistance program in accordance with sections 19a-12a and 19a-12b,
20 that is confidential pursuant to section 19a-12a, (II) information not
21 related to such person's specific complaint, including, but not limited
22 to, information concerning patients other than such person, or (III)
23 personnel or medical records and similar files the disclosure of which
24 would constitute an invasion of personal privacy pursuant to section 1-
25 210, except for such records or similar files solely related to such
26 person; (ii) shall not be required to disclose any other information that
27 is otherwise confidential pursuant to federal law or state statute,
28 except for information solely related to such person; and (iii) may
29 require up to ten business days written notice prior to providing such
30 opportunity for review;

31 (C) Prior to resolving the complaint with a consent order, provide
32 the person who filed the complaint with not less than ten business
33 days to submit a written statement as to whether such person objects
34 to resolving the complaint with a consent order;

35 (D) If a hearing is held with respect to such complaint after a finding
36 of probable cause, provide the person who filed the complaint with a
37 copy of the notice of hearing issued pursuant to section 4-177, which
38 shall include information concerning the opportunity to present oral or
39 written statements pursuant to subsection (b) of section 4-177c; and

40 (E) Notify the person who filed the complaint of the final
41 disposition of such complaint not later than seven business days after
42 such final disposition;

43 In line 201, bracket "which" and insert "that" after the closing bracket

44 In line 204, after the period, insert the following:

45 "Records disclosed to a person who files a complaint pursuant to
46 subdivision (12) of subsection (a) of this section that are otherwise
47 confidential shall not be deemed public records merely because they
48 have been disclosed pursuant to said subdivision."

49 In line 221, strike "patient or the patient's representative" and
50 substitute "person who filed the complaint" in lieu thereof

51 In lines 222 and 237, strike "(11)" and substitute "(12)" in lieu thereof

52 In lines 226 and 229, bracket "a rehabilitation" and insert "an
53 assistance" after the closing bracket

54 In line 231, bracket "rehabilitation" and insert "assistance" after the
55 closing bracket

56 Strike section 3 in its entirety